

W.A.No.3615 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

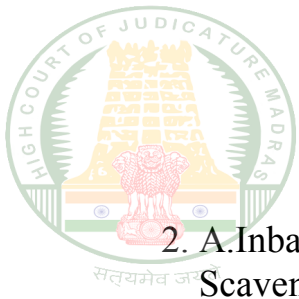
**W.A.No.3615 of 2024
and
C.M.P.No.28323 of 2024**

1. The Principal Chief Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Ranipet District,
Ranipet.
4. The District Educational Officer,
Ranipet District,
Ranipet - 632 005.

... Appellants

-Vs-

1. A.Selvarani,
Sweeper,
L.F.C.Girls Higher Secondary School,
Ranipet - 632 401,
Ranipet District.



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2. A.Inbavalli,

Scavenger,

L.F.C.Girls Higher Secondary School,

Ranipet - 632 401,

Ranipet District.

3. The Correspondent,

L.F.C.Girls Higher Secondary School,

Ranipet - 632 401,

Ranipet District.

... Respondents

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.29977 of 2022 dated 11.03.2024 and allow the above writ appeal.

For Appellants : Mr.R.Neethi Perumal
Government Advocate

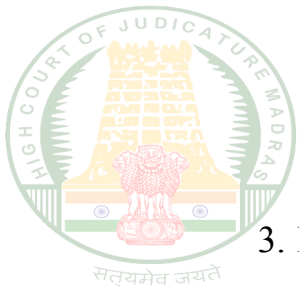
For Respondents : Mr.S.N.Ravichandran

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the writ Court dated 11.03.2024 in W.P.No.29977 of 2022.

2. In fact like the respondents 1 & 2 / writ petitioners, yet another writ petitioner who is also similarly placed had filed writ petition in W.P.No.29982 of 2022, both the writ petitions were heard together and disposed of by the common order dated 11.03.2024 which is impugned herein.

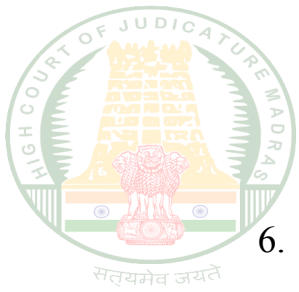


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3. Insofar as the respondents 1 & 2 / writ petitioners are concerned, they were appointed as Sweeper and Scavenger on 01.07.1998 and 01.04.2000 at the third respondent School, who stood as fifth respondent in the writ petition.

4. Thereafter their services have been regularised and to that effect, there has been no dispute. Though they have been working as Sweeper and Scavenger for several years, they have not been brought under regular time scale of pay by converting the post into a Full-time Sweeper and Scavenger, therefore, they made a request to the appellant Department which was considered and rejected by an order passed by the first appellant on 08.12.2021 which was under challenge before the writ Court.

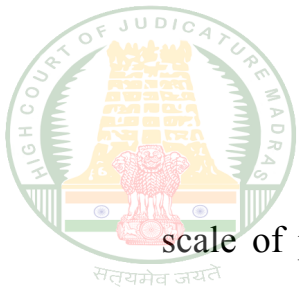
5. The writ Court has considered the factual matrix wherein it was found that, in both the cases in the respective Schools which are recognised Religious Minority Institutions with aid, where in respect of one School, 2808 girls students were studying with 52 teaching and 4 full-time and two part-time non-teaching staffs. In respect of another School, 1040 girl students have studying with 35 teaching and 5 full-time non-teaching and one part-time non-teaching staffs are working. The learned Judge also found that, apart from 52 classrooms, there are five laboratories, two staff rooms in the School and there are about 106 closets in the wash room built at the School.



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6. In respect of these infrastructures, the cleaning activities to be undertaken only by the respondents 1 & 2 / writ petitioners, however since they have been placed in the Part-time Sweeper and Scavenger job, they are being paid a paltry sum of Rs.1,335/- per month.

7. Therefore, in order to enhance the salary by converting the post into Full-time Sweeper and Scavenger, for which there is every justification on the part of the School Management as there were 52 classrooms, 106 closets in the wash room and five laboratories and two staff rooms all to be cleaned only by the respondents 1 & 2 / writ petitioners, therefore the learned Judge having considered the factual matrix and also by taking into account of various Government Orders including Government Orders, namely, G.O.(Ms)No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, G.O.(Ms)No.74, Personnel and Administrative Reforms Department dated 27.06.2013, G.O.(Ms)No.241, Personnel and Administrative Reforms Department dated 18.04.1988, G.O.(Ms)No.528, Personnel and Administrative Reforms Department dated 10.10.1988 and G.O.(Ms)No.141 dated 19.05.2010 has come to the conclusion that, the writ petitioners were entitled to get their posts where they are working as Part-time Sweeper and Scavenger into a Full-time job of Sweeper and Scavenger and they should be brought under regular

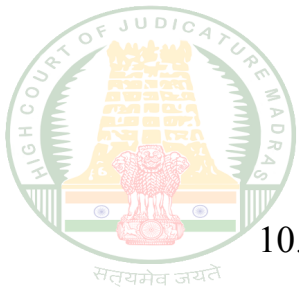


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scale of pay with effect from the date of their initial appointment, i.e., from 01.07.1998 and 01.04.2000 respectively with all consequential benefits.

8. Aggrieved over the same, though this writ appeal has been filed and an attempt has been made by Mr.R.Neethi Perumal, learned Government Advocate appearing for the appellants that, the order impugned is infirm and therefore, interference sought for, we are not impressed with the submission made by the learned Government Advocate appearing for the appellants for the reasons that, insofar as the posts where the writ petitioners were appointed is a permanent post though it has been categorised as a Part-time Sweeper and Scavenger. The job nature of the writ petitioners in the Part-time job is not a Part-time job, it is a Full-time job as the volume of the work can easily be ascertained because of the infrastructure facilities which are available in the School concerned as the students strength, especially the girls students strength is more than 2000 in the School.

9. When that being the position, the Government Orders only support the case of the respondents 1 & 2 / writ petitioners and not the case of the appellant Department.

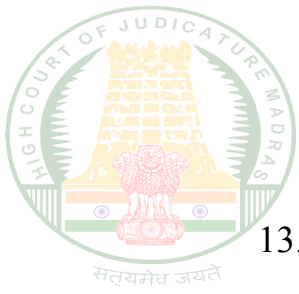


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10. Though it was argued by the learned Government Advocate appearing for the appellants that such kind of conversion of Part-time into Full-time one that too in a Scavenger or Sweeper of Educational Institution or any other Institutions is only applicable to the Part-time post which are available in the Government Schools and not to the Private Schools.

11. This kind of dichotomy cannot be accepted for the simple reason that once the School is a recognised School and aid is fully given by the Government, the Government must take care of the aid to be passed on to the Management in respect of all the sanctioned posts which includes the Sweeper and Scavenger posts.

12. Merely because of the Sweeper and Scavenger posts initially have been designated as Part-time posts by virtue of the volume of the work which had been increased manifold, it should have been converted into Full-time Sweeper and Scavenger posts, however for whatever reasons if the appellant Department failed to convert the same, it cannot be stated as a reason to deny the benefit of permanency or regularisation in a Full-time job with regular time scale of pay to these incumbents.

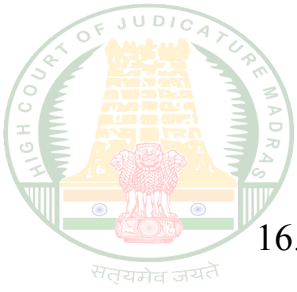


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13. Therefore, the reasoning given and the conclusion arrived at by the learned Judge is to be accepted, accordingly, we accept the order of the learned Judge which is impugned herein.

14. Also, the learned Judge has also relied on the judgment delivered by the Division Bench in W.A.Nos.82, 766 and 769 of 2020 by an order dated 23.09.2020 and also the judgment delivered by yet another Division Bench of the Madurai Bench of this Court in W.A.(MD)No.902 of 2015 dated 24.02.2020. Therefore, insofar as the legal proposition to be adopted in the facts of the case is concerned, the learned Judge of the writ Court has rightly adopted the earlier proceedings and accordingly, extended the benefits to these petitioners.

15. However, it is contended by the learned Government Advocate that such a permanency or regularisation in a Full-time job by giving them under regular time scale of pay could only be made possible even under G.O.(Ms)No.22 as well as G.O.(Ms)No.74 referred above only on completion of ten years of service which the first petitioner completed only in the year 2008 as she entered into service on 01.07.1998 and the second petitioner completed such ten years service only in 2010 as she entered into service on 01.04.2000.



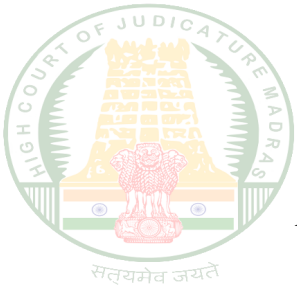
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16. Assuming that from the date of entry, if they complete ten years service, on completion of ten years of service if they are entitled to get such benefit of regularisation in Full-time job with regular time scale concerned, such benefit ought to have been extended to these petitioners on completion of ten years period. Insofar as the first respondent is concerned she completed ten years period by 30.06.2008 and therefore, she is entitled to get all such benefits from 01.07.2008. In respect of the second respondent, the very same benefit can also be extended from 01.04.2010 as she completed ten years period from the date of entry into service on 01.04.2000.

17. Insofar as the yet another writ petitioner namely, C.Shanthy in W.P.No.29982 of 2022 is concerned which is also covered under the common order which is impugned herein, the said writ petitioner also would be entitled to get the similar benefit as no appeal yet to be numbered and brought before us.

18. In that view of the matter, this writ appeal is disposed of with the following orders:

(i) that the order impugned is sustained, however with the modification that the benefit which has been directed to



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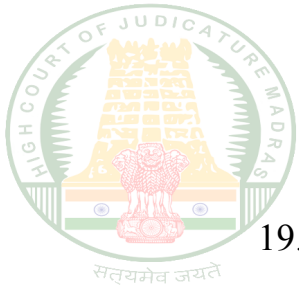


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be extended to the writ petitioners by the orders in the writ petition which is impugned herein shall be extended to them on completion of ten years period from the date of their initial appointment which according to the first petitioner she completes by 30.06.2008 and the second writ petitioner completes by 31.03.2010. Therefore, from 01.07.2008 and 01.04.2010, the writ petitioners respectively are entitled to get such benefit of regularisation as Full-time Sweeper and Scavenger in the respective School with all monetary benefits with Full-time scale of pay including arrears of pay. These benefits shall be conferred on these writ petitioners by the appellant Department within a period of two months from the date of receipt of a copy of this order.

(ii) Since the post has to be converted into Full-time Sweeper and Scavenger, the necessary orders shall be passed by the Government, therefore, proposal immediately be send by the Directorate of School Education to the Government and the Government on receipt of the proposal from the Directorate shall immediately pass necessary orders as indicated above by converting the post into Full-time one within a period of two months thereafter.

(iii) On receipt of such conversion order, the needful as indicated above to extend the benefits shall be extended to all these petitioners thereafter within a period of two months.



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19. With all these directions and the modifications as indicated above,

WEB this Writ Appeal is disposed of. However, there shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)

21.01.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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